IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.990 OF 2003

The State of Maharashtra ...Appellant

vs.

Sachin Sharad Khankar & Ors. ...Respondents

Mr.S.R.Shinde,A.P.P. for the Appellant
Mr.S.S.Shah for Respondent Nos.2 to 4.

CORAM: A.S.OKA,J.
DATE : AUGUST 25, 2006.

P.C.:

1. Heard Advocates for the parties on the prayer for grant of leave to prefer an Appeal. By the impugned Judgment and Order the learned Judicial Magistrate (First Class) has acquitted the Respondents-accused of offence punishable under section 498-A read with section 34 of the Indian Penal Code.

2. After having heard the learned Advocates for the parties and after perusing the impugned Judgment and Order, I find that no case is made out for grant of leave.

3. The learned Magistrate has found on the basis of evidence of P.W.No.2 that on the date of incident the first accused was at Chhenai. The learned Magistrate noted that in the first N.C. which was filed by the complainant, no allegation of assault was made as against the second and third accused. P.W.No.3 was suddenly examined though at no stage name of the P.W.No.3 was disclosed as a witness. At the time of trial,

reliance was sought to be placed on certain letters which were not available at the stage of investigation. The learned Judge has also considered the fact that there was gross and unexplained delay in lodging the complaint in as much as after 22nd July 2002 the complainant was residing at her parent's house and the complaint was lodged on 15th October 2002. Moreover, the Advocate for the Respondents pointed out that there has been overall settlement between the complainant and the first Respondent in a Petition which was pending before the Family Court at Pune.

4. No case is made out for grant of relief. Prayer is rejected.

JUDGE